



O'Melveny & Myers LLP
US 313C2
612,404-426

**DECLARATION
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS AND APPARATUS FOR SCREENING AND DETECTING MULTIPLE GENETIC MUTATIONS** the specification of which

(Check One) ☐ is attached hereto OR
☒ was filed on July 24, 2003 as United States Application Serial No. 10/627,950 or PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

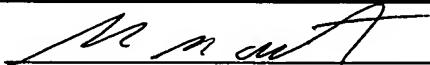
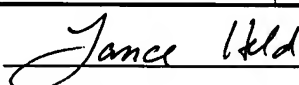
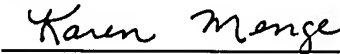
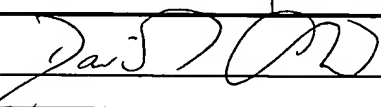
I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
60/443,989	January 30, 2003
60/398,992	July 26, 2002

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Ray	MIDDLE Initial R.	LAST Name RADTKEY	
	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country CA		Country of Citizenship UNITED STATES
	POST OFFICE ADDRESS	6512 Bantam Lake Circle	City San Diego	State or Country CA	Zip Code 92119
INVENTOR'S SIGNATURE <u></u> DATE <u>2/4/2004</u>					
202	FULL NAME OF INVENTOR	FIRST Name Lance	MIDDLE Initial C.	LAST Name HELD	
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INVENTOR'S SIGNATURE <u></u> DATE <u>2/4/2004</u>					
203	FULL NAME OF INVENTOR	FIRST Name Robert	MIDDLE Initial B.	LAST Name WALLACE	
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INVENTOR'S SIGNATURE _____ DATE _____					
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INVENTOR'S SIGNATURE <u></u> DATE <u>2/4/2004</u>					
205	FULL NAME OF INVENTOR	FIRST Name David	MIDDLE Initial	LAST Name CANTER	
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	POST OFFICE ADDRESS	9135 Kensett Place	City San Diego	State or Country CA	Zip Code 92126
INVENTOR'S SIGNATURE <u></u> DATE <u>2.4.2004</u>					

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Ray	MIDDLE Initial R.	LAST Name RADTKEY	
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	POST OFFICE ADDRESS	6512 Bantam Lake Circle	City San Diego	State or Country CA	Zip Code 92119
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	RESIDENCE & CITIZENSHIP	City Escondido	State or Foreign Country CA	Country of Citizenship UNITED STATES	
	POST OFFICE ADDRESS	2255 225 Lundy Lake Drive RBW	City Escondido	State or Country CA	Zip Code 92029
INVENTOR'S SIGNATURE <u>Robert Bruce Wallace</u>			DATE <u>2/4/04</u>		
204	FULL NAME OF INVENTOR	FIRST Name Karen	MIDDLE Initial	LAST Name MENGE	
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INVENTOR'S SIGNATURE _____			DATE _____		
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	RESIDENCE & CITIZENSHIP	City San Diego	State or Foreign Country CA	Country of Citizenship UNITED STATES	
	POST OFFICE ADDRESS	9135 Kensett Place	City San Diego	State or Country CA	Zip Code 92126
INVENTOR'S SIGNATURE _____			DATE _____		



**POWER OF ATTORNEY
By Assignee**

Nanogen, Inc., assignee(s) of the application for United States Letters Patent for an improvement
in

**METHODS AND APPARATUS FOR SCREENING AND
DETECTING MULTIPLE GENETIC MUTATIONS**

by Ray R. Radtkey et al.

the specification of which:

☐ is filed herewith, OR

☒ was filed on July 24, 2003, having U.S. Patent Application Serial No. 10/627,950

does hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 34263:

34263 O'Melveny & Myers LLP
114 Pacifica, Suite 100
PATENT TRADEMARK OFFICE Irvine, CA 92618-3315
(949) 737-2900

Please send all correspondence to the attention of David B. Murphy, at the above Customer Number, and direct all telephone calls to **(949) 737-2900**.

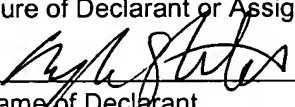
I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s), which:

☒ is filed for recordation herewith; or

☐ was recorded at Reel __, Frame ____ in parent application ____; or

☐ has been sent for recordation under separate cover, copy attached herewith.

To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

Full Name of Assignee: Nanogen, Inc.	
Post Office Address: 10398 Pacific Center Court, San Diego, California 92121	
Signature of Declarant or Assignee: 	Date: 2/4/04
Full Name of Declarant	
If Other Than Assignee: Mary Ann Stretch, Esq.	
Title of Declarant: Sr. Director of Intellectual Property	
Address of Declarant: 10398 Pacific Center Court, San Diego, California 92121	